

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Civil No. 11-1488 (RHK/LIB)

Plaintiff,

ORDER

vs.

Kerry L. Augustine, et al.,

Defendants.

Based upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois, no Objections having been filed with respect thereto, and upon all of the files, records and proceedings in the above-entitled matter, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 36) is **ADOPTED**;
2. That Kerry L. Augustine and Elma J. Augustine's Motion to Dismiss (Doc. Nos. 34 and 35) is **DENIED**.

Dated: March 26, 2012

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge